

Remarks

Claims 1-51 are pending in this application. Claim 28 has been amended herein. No claims have been cancelled. The Applicant respectfully requests reconsideration of this application in light of these amendments and remarks.

Rejection of claims 1-51 under 35 U.S.C. 102(e) by Apps et al. ('461)

Claims 1-51 have been rejected by the Examiner as being anticipated by US. Patent No. 5,651,461 to Apps et al. Applicant respectfully traverses this rejection. Claims 1-51 are directed to a crate for supporting bottle carriers. The '461 reference teaches a crate designed to provide stability for individual bottles. For instance, the '461 patent includes surfaces 36 and columns 30 extending between adjacent bottles when the crate is loaded with individual bottles.

In contrast, dependent claim 2 of the current application recites interior teeth panels that are flat to provide lateral support to bottle carriers loaded in the crate. The current application does not have surfaces 36 extending between bottles because they would interfere with the bottle carriers, making it difficult or impossible for them to seat properly.

Moreover, by way of example and not limitation, the following claims are also not disclosed or taught in the '461 reference: Claim 16 is directed to the tooth members having interior teeth panels which are flat and co-planar with the interior bottle carrier support surfaces. Such feature is not disclosed in the '461 patent, and claim 16 is therefore not anticipated by this reference. Claim 22 is directed to the spaced tooth members have an upper edge with at least one rounded portion; claim 27 includes a lower wall portion between spaced tooth members having an outer wall with an inner surface and a plurality of ribs extending inwardly perpendicular therefrom. Such features are not taught in the '461 patent, and claims 22 and 27 are also not anticipated by the '461 patent.

Accordingly, Applicant believes that the claims 1-51 are patentably distinguished over the cited reference, and an indication to that effect is respectfully requested from the Examiner.

Rejection of claims 15-19, 21-26, 50 and 51 under 35 U.S.C. 102(e) by Apps et al ('482)

Claims 15-19, 21-26, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,704,482 to Apps et al (the '482 patent). Applicant respectfully traverses this rejection. Like the rejection above, these claims are directed to a crate for supporting bottle carriers and sidewall lower wall portions having "interior bottle carrier support surfaces." Such features are not disclosed in the '482 patent and thus the rejected claims are not anticipated thereby. Moreover, by way of example and not limitation, the following claims are also not disclosed or taught in the '482 reference: Claim 16 is directed to the tooth members having interior teeth panels which are flat and co-planar with the interior bottle carrier support surfaces. Such feature is not disclosed in the '482 patent, and claim 16 is therefore not anticipated by this reference.

Accordingly, Applicant believes that these claims are patentably distinguished over the cited reference, and an indication to that effect is respectfully requested from the Examiner.

Rejection of claims 28-30, 32-39 under 35 U.S.C. 102(b) and/or (e) by Koefeldt ('843)

Claims 28-30 and 32-39 are rejected under 35 U.S.C. 102(b) and/or (e) as being anticipated by US Patent No. 5,465,843 to Koefeldt. Applicant respectfully traverses this rejection. Like the rejections above, these claims are directed to a crate for supporting bottle carriers and sidewall lower wall portions having "interior bottle carrier support surfaces." Such features are not disclosed in the '843 patent and thus the rejected claims are not anticipated thereby. Further, Claims 28-30 and 32-39 do not include many other limitations of the present claim. For example, independent claim 28 as amended includes a handle bar which may be encircled by a user. Such feature is not disclosed in the '843 patent. Further, by way of example, claim 33 is directed to interior teeth panels which are flat for providing lateral support to the bottle carriers. Central panel 70 of the '843 patent does not provide such lateral support. Accordingly claim 28 and dependent claims 29-30 and 32-39 are not anticipated by this reference. Accordingly, Applicant believes that these claims are patentably distinguished over the cited reference, and an indication to that effect is respectfully requested from the Examiner.

CONCLUSION

Applicant appreciates the Examiner's thorough review of the application, and believes that the application is in a condition for allowance. A notice of such allowance is respectfully requested. Further, if the Examiner believes that a telephone conference would help to expedite prosecution of this matter, he is invited at his convenience to contact the undersigned.

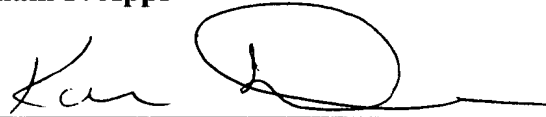
A check in the amount of \$ 920.00 is enclosed to cover the fee associated with the request for extension of time. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 50-1984.

Respectfully submitted,

William P. Apps

Date: April 19, 2002

By


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Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

28. (Amended) A low depth nestable display crate for bottle carriers comprising:
a floor having an upper surface for supporting the bottle carriers, and a lower surface; and

a wall structure having endwalls and sidewalls extending around the periphery of said floor and comprising

a lower wall portion including an exterior surface along said sidewalls and interior portions connected to said floor upper surface, wherein the exterior surface and the interior portions are connected by at least one member extending therebetween,

a double thickness upper wall portion comprising spaced tooth members extending upwardly from said lower wall portion and defining display openings between said tooth members along said sidewalls, wherein said display openings are sized to reveal labels on the bottle carriers for displaying the bottle carriers in a loaded crate, and

a handle bar integrally molded with said tooth members along said endwalls and said lower wall portion defining a cut-out, said cut-out providing said handle bar with complete clearance below said handle bar, and complete clearance above said handle bar from a stacked crate thereabove, and providing sufficient clearance between said handle bar and the bottle carriers loaded in said crate to enable a user's hand to encircle said handle bar.